UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAY 09 2012

Brad Bredesen
Environmental Manager Central/West
Commercial Metals Company
1 Steel Mill Dr.
Seguin, TX 78155

RE: United States Environmental Protection Agency (EPA) Region 6 Risk-based Polychlorinated Biphenyl (PCB) Remediation Proposed Approval Pursuant to 40 CFR 761.61(c) for the Commercial Metals Company (CMC) Recycling Facility located in Corpus, Corpus Christi, Texas; EPA ID TXD070482757

Dear Mr Bredesen:

Enclosed is our proposal to approve your request for a PCB risk-based remediation at your facility located at 4614 Agnes Street, Corpus Christi, Texas pursuant to 40 CFR 761.61(c). A Public Notice announcing this proposal will be placed in the Corpus Christi Caller-Times which will open a 45-day comment period during which requests may be made for a Public Hearing.

After the comment period closes, we will evaluate any significant or substantial comments received and determine whether a Public Hearing should be convened. If a Hearing is to be convened, a 30-day advance notice will be published announcing the Hearing date, time, and place in the Corpus Christi, Texas area. If no Hearing is convened, a final determination will be made on the proposal.

If you have questions or concerns, please contact Mr. James Sales of my staff at (214) 665-6796.

Sincerely,

Susan Spalding
Associate Director for RCRA
Multimedia Planning and
Permitting Division

Enclosure (Proposal with PCB Approval Conditions)

cc: Earl Lott, TCEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Brad Bredesen
Environmental Manager Central/West
Commercial Metals Company
1 Steel Mill Dr.
Seguin, TX 78155

RE: United States Environmental Protection Agency (EPA) Region 6 Risk-Based Polychlorinated Biphenyl (PCB) Remediation Approval Pursuant to 40 CFR 761.61(c) for the Commercial Metals Company (CMC) Recycling Facility located in Corpus Christi, Texas; EPA ID TXD070482757

Dear Mr. Bredesen:

We hereby approve your PCB risk-based cleanup and decontamination plan subject to the enclosed Conditions of Approval. Your application (dated July, 20, 2011, and modified April 11, 2012) requested approval of a PCB risk-based cleanup and decontamination plan pursuant to 40 CFR 761.16(c) for the 17.2 acre CMC recycling facility located at 4614 Agnes Street, Corpus Christi, Texas.

Based on the following information and review of the proposed cleanup plan, we have determined that the cleanup and decontamination of the PCB contaminated soils and concrete in accordance with the plan referenced above and the enclosed Conditions of Approval will not pose an unreasonable risk to human health or the environment during future planned use of the facility. Factors that led to our finding of no unreasonable risk and approval of this application are discussed below:

1. Facility History, Description, and Extent of PCB Contamination: The CMC facility is a 17.2 acre property located at 4614 Agnes Street, Corpus Christi, Texas. Prior to CMC's purchase of the site in 1976, General Export Iron and Metal Company operated a secondary metals processing facility since 1951. CMC operations included purchase and transport of both ferrous and non-ferrous metals for recycling. Metals purchased for recycling are sorted into various storage containers and stockpiles on the northern portion of the site before being shipped off-site for further processing. CMC previously operated a shredder at this facility that has been removed. Offices and warehouses are located on the southern portion of the site which is surfaced with concrete.

The terrain at CMC is generally flat with ground elevations between 39 to 43 feet above sea level. The property is not located within the 100-year floodplain. Average annual rainfall for the Corpus Christi area is 32 inches per year with most rainfall between April and October. According to reports, the property consists of a layer of fill material underlain by clay. Boring logs show the upper 8

to 16 feet generally consists of clay and silty clay. The clay ranges in depth from 0 to 33 feet below ground surface. Beneath the clay is a moist to saturated sandy

silt which makes up the shallow water-bearing area. Below this sand is another clay unit. The approximate depth to groundwater ranges from 10 to 15 feet below ground surface with a gradient generally toward the east-northeast beneath most of the southern portion of the property and shifts toward the east beneath the northern portion of the property.

Land use surrounding the CMC property is primarily commercial/industrial. The nearest residential area is located 0.5 miles to the east-northeast. The nearest surface water bodies are Tule Lake Channel and Industrial Canal located two miles north of the property. A small drainage swale is located along the eastern property boundary. No wildlife or livestock are present, and the property does not provide habitat, foraging, or refuge for ecological communities.

The Texas Natural Resource Conservation Commission (TNRCC) conducted soil sampling at CMC in July 1987, which indicated elevated levels of PCBs and lead. In November 1996, the TNRCC finalized a Voluntary Cleanup Program (VCP) agreement with CMC which included soil sampling and the installation of ground water monitoring wells. Off-site sampling was conducted in January 2004 which indicated elevated risk levels of numerous metals including arsenic, and PCBs. In 2008 additional monitoring wells were installed off-site.

A revised sampling plan was approved by the TCEQ on June 18, 2009. EPA Region 6 reviewed the results of this plan and on a conference call held on September 20, 2010, requested a more detailed justification for soil sampling intervals used to assess the lateral and vertical extent of the PCB contaminated soils. A geostatistical evaluation was prepared to justify the sampling grids, dated December 21, 2010, and was submitted to EPA for review. This plan was reviewed and approved on April 13, 2011.

On-site soil and concrete samples, off-site soil samples, and groundwater samples were collected and analyzed to adequately characterize the extent of PCB contamination at the facility at levels 0 to 10 feet below ground surface. On-site assessment areas are designated as North, Central, Hot Spot, and South. The highest reported on-site PCB concentration was 2,670 mg/kg collected in a soil sample near the center of the property by the weighing station. PCBs usually ranged from the 1-40 mg/kg level. Concrete exists in the North, Hot Spot, and Central assessment areas. In the North area, the highest concrete sample was 13.99 mg/kg. PCB concrete samples in the Hot Spot areas did not exceed 1 mg/kg. The highest PCB concrete sample in the Central area was 1.148 mg/kg. The highest off-site concentration was 18 mg/kg on the City of Corpus Christi property.

Several other adjoining properties were found to be contaminated with PCBs over 1 ppm. PCBs were not found deeper than 8 feet below ground surface.

No PCBs were detected in groundwater monitoring wells at the facility. Potable water supplies in this area are received from the City of Corpus Christi. Their primary water supply is the Choke Canyon/Lake Corpus Christi Reservoir System. No water supply wells have been identified within a 0.5 mile radius of the CMC facility either by visual or records search.

2. The PCB Clean-up Plan: The primary exposure pathways identified from the assessment include soil direct contact, soil-to-groundwater ingestion, and groundwater ingestion. The clean-up plan under this risk-based approval has been designed to eliminate these exposure pathways.

a. Plume Management Zone: A Plume Management Zone (PMZ) is required under the TCEQ's VCP program for control of Chemicals of Concern (COC) concentrations exceeding TCEQ permit control limits, and to ensure no PCBs are entering into the groundwater after clean-up activities have been completed. No water wells will be permitted to be installed onsite.

b. Off-site Soils: Off-site soils with PCB concentrations greater than 1 mg/kg and less than 50 mg/kg will be disposed at a landfill permitted by the TCEQ to manage non-municipal, non-hazardous waste, or disposed in the onsite cap. Off-site soils with a PCB concentration of 50 mg/kg to less than 500 mg/kg will be placed under the onsite cap or disposed at a permitted TCEQ Resource Conservation and Recovery Act (RCRA) landfill or an approved TSCA PCB landfill. Off-site soils with equal to or greater than 500 mg/kg PCBs will be disposed at a TCEQ permitted RCRA landfill or an EPA approved TSCA PCB landfill. Confirmation sampling will use a with a 10 foot grid as proposed in Attachment A of the April 11, 2012, modified cleanup plan. Excavated soils will be stockpiled on plastic and covered at designated soil staging areas.

c. On-site Soils: On-site soils with PCB concentrations equal to or greater than 500 mg/kg will be removed and disposed at a permitted TCEQ RCRA landfill or an approved TSCA PCB landfill. Soils with PCB concentrations greater than 1 mg/kg and less than 500 mg/kg will be capped in place, or moved to the fenced-in capped area. Confirmation sampling will use a 10 foot grid as proposed in Attachment A of the April 11, 2012, modified cleanup plan.

The cap will comply with design and construction requirements under 40 CFR 761.61(a)(7) (Cap requirements.) with at least two feet of compacted clay layered with six inches of clean soil for vegetative cover. The capped area will be approximately 1450 feet long, and cover an estimated 6,000 cubic yards of PCB contaminated soil containing less than 500 mg/kg PCBs.

d. On-Site Concrete: On-site contaminated concrete greater than 1 mg/kg and less than 50 mg/kg will be disposed under the clay cap, or at a landfill permitted to receive PCBs less than 50 mg/kg. Concrete with concentrations between 50

mg/kg and 500 mg/kg will be placed under the clay cap or at a TCEQ permitted RCRA landfill or an EPA approved TSCA PCB landfill. No PCBs have been detected in the concrete greater than 500 mg/kg. However, if any is detected it will be remediated to below 50 mg/kg by mechanical removal including scrapping, scarifying, shot blasting, and chipping to remove at least 1/8 inch of the surface of the concrete. Concrete dust generated during remediation will be disposed at a TSCA approved chemical waste landfill. The concrete removed will be disposed in either a landfill permitted to receive such wastes, or under the on-site clay cap. Verification sampling shall comply with 40 CFR 761 Subpart O with a 10 foot grid as proposed in Attachment A of the April 11, 2012, modified cleanup plan.

e. Storm Water Management: The site will be re-graded and backfilled with clean soil to facilitate the flow of storm water to a storm water management system. A retention structure will be constructed on the northwest corner of the facility which will be the active portion of the facility where receipt and transport of scrap metal material will continue post-cleanup.

The storm water management system that includes a storm water retention basin will capture runoff from a 5-year, 24-hour storm event from the active portion of the facility. Storm water runoff shall be analyzed for PCBs before release. Overflow weirs will be constructed and allow for runoff in excess of the 5-year storm volume to prevent on-site flooding, and allow discharge off-site to an existing drainage channel

3. Post-Closure Care and Future Land Use: The site will be deed recorded in accordance with TCEQ and EPA TSCA PCB regulations. An Inspection Checklist for quarterly cap inspection will be used as part of the post-closure care requirements to ensure the remedial measures remain effective in preventing further PCB contamination. Post closure Operation and Maintenance activities will include such check listed items as cap inspection, fencing and security, sediment and erosion control, storm water management system inspection, and groundwater and surface water monitoring. An annual report will be submitted to TCEQ as required by the Texas Voluntary Cleanup Program, Texas Health and Safety Code, Chapter 361, Sub Chapter S, with a copy to EPA to document post-closure activities including PCB sampling results.

Future use of the site includes continuation of secondary scrap metal recycling on the non-capped southern portion of the site (consisting of approximately 6.3 acres). The site will be limited to commercial/industrial land use with low occupancy restrictions. Typically, public and commercial vendors would bring ferrous and non-ferrous metals to the site in vehicles. After sorting, ferrous streams would be shipped off-site for further processing, and non-ferrous streams will be packaged for sale on the open market. No shredding operations shall be permitted on the capped area under this approval.

CMC shall abide by the conditions of this approval which becomes effective on the date of this letter. If you have questions or concerns, please contact Mr. James Sales of my staff at (214) 665-6796.

Sincerely yours,

Carl E. Edlund, P.E.
Director
Multimedia Planning and
Permitting Division

Enclosure (PCB Approval Conditions)

cc: Earl Lott, TCEQ

CONDITIONS OF APPROVAL
for
PCB RISK-BASED CLEANUP
(40 CFR 761.61(c))
at
Commercial Metals Company (CMC) Recycling Facility
Corpus Christi, Texas

The terms and abbreviations in these conditions are in accordance with those defined in 40 CFR 761.3 unless otherwise noted. The term "Facility" hereinafter refers to the Commercial Metals Company's Recycling Facility, located at 4614 Agnes Street, Corpus Christi, Texas.

I. LOCATION

The Facility is located at 4614 Agnes Street, Corpus Christi, Texas.

II. PCB CLEAN-UP AND DECONTAMINATION CONDITIONS

A. Clean-up Requirements

1. The Facility shall implement the plan submitted to EPA Region 6 dated July 2011, modified on April 11, 2012.

2. Off-site soils with PCB concentrations greater than 1 mg/kg and less than 50 mg/kg shall be disposed at a landfill permitted by the TCEQ to manage non-municipal, non-hazardous waste. Off-site soils with 50 mg/kg PCBs or greater shall be disposed at a TCEQ RCRA permitted landfill, an EPA approved TSCA PCB landfill or under the cap. Off-site soils with equal to or greater than 500 mg/kg PCBs shall be disposed at a TCEQ permitted RCRA landfill or an EPA approved TSCA PCB landfill. Confirmation sampling shall comply with 40 C.F.R. Subpart O with a 10 foot grid spacing as proposed in the modified plan of April 11, 2012. Sampling and analysis shall comply with EPA approved methods and procedures.

3. On-site soils with PCB concentrations greater than 500 mg/kg shall be removed and disposed at a TCEQ permitted RCRA landfill or an approved TSCA PCB landfill. Soils with PCB concentrations greater than 1 mg/kg and less than 500 mg/kg shall be capped in place, or moved to the fenced-in capped area. Confirmation sampling shall comply with 40 CFR Subpart O with a 10 foot grid spacing as proposed in the modified plan of April 11, 2012. Sampling and analysis shall comply with EPA approved methods and procedures.

4. The cap shall comply with design and construction requirements under 40 CFR 761.61(a)(7) (Cap requirements.) with at least two feet of compacted clay layered with six inches of clean soil for vegetative cover. Excavated soils shall be stockpiled on plastic and covered at designated soil staging areas to prevent wind dispersion.

5. On-site contaminated concrete greater than 1 mg/kg and less than 50 mg/kg shall be disposed under the clay cap, or at a landfill permitted to receive PCBs less than 50 mg/kg. Concrete with concentrations between 50 mg/kg and 500 mg/kg shall be placed under the clay cap or at a TCEQ permitted RCRA landfill or an EPA approved TSCA PCB landfill. Concrete determined to be contaminated with 500 mg/kg PCBs or greater shall be remediated to below 50 mg/kg by mechanical removal including scrapping, scarifying, shot blasting, and chipping to remove at least 1/8 inch of the surface of the concrete. Concrete dust generated during remediation shall be disposed at a TSCA approved chemical waste landfill. The concrete removed shall be disposed in either a landfill permitted to receive such wastes, or under the on-site clay cap. Verification sampling shall comply with 40 C.F.R. 761 Subpart O. Sampling and analysis shall comply with EPA approved methods and procedures.

6. The site shall be regraded and backfilled with clean soil to facilitate the flow of storm water to a storm water management system. A retention structure shall be constructed at the northwest corner of the facility to prevent contamination of the facility from the active portion of the facility where receipt and transport of scrap metal material will continue post-cleanup.

7. The storm water management system that includes a storm water retention basin shall capture runoff from a 5-year, 24-hour storm event from the active portion of the facility. Overflow weirs shall be constructed to allow for runoff in excess of the 5-year storm volume to prevent on-site flooding.

8. All bulk PCB remediation waste containing less than 50 mg/kg PCBs disposed at a landfill permitted by the TCEQ to manage non-municipal, non-hazardous waste shall comply with the notification requirements pursuant to 40 CFR 761.61(a)(5)(i)(B)(2)(iv).

9. All bulk PCB remediation waste containing 50 mg/kg PCBs or greater disposed at a TCEQ permitted RCRA landfill shall comply with the notification requirements pursuant to 40 CFR 761.61(a)(5)(i)(B)(2)(iv) and shall be manifested.

B. <u>Post-Clean-up Requirements</u>

1 The site shall be deed recorded in accordance with TCEQ and EPA TSCA PCB regulations.

2. An Inspection Checklist for quarterly cap inspection shall be conducted as part of the post-closure care requirements to ensure the remedial measures remain effective in preventing further PCB contamination. Any required repairs shall be completed within 5 working days of discovery.

3. Post closure Operation and Maintenance activities shall comply with Appendix F in the plan of July 2011. The checklist shall include such items as cap inspection, fencing and security, sediment and erosion control, storm water management system

inspection, and groundwater and surface water monitoring. An annual report shall be submitted to TCEQ and EPA to document post-closure activities.

4. Groundwater and surface water samples shall be collected in accordance with EPA approved methods and procedures every six months for three years beginning six months after clean-up has been completed and a final report has been submitted and approved by EPA Region 6. Groundwater samples shall be collected from groundwater monitoring wells MW-2, WMW-6, WMW-7 and WMW-11. At the end of three years, EPA Region 6 will review the monitoring results and re-assess the post-closure monitoring requirements. If PCBs are detected in the ground water or surface water samples, the Facility shall take immediate action to determine the source or sources of contamination and implement any required remedial action approved by EPA or the TCEQ.

5. Storm water runoff shall be analyzed for PCBs before release from the retention basin using approved EPA sampling and analysis methods appropriate for the samples collected. Sediment shall be removed from the basin as needed. Removed sediment shall be sampled and analyzed for PCBs to determine appropriate disposal options. At least one water sample shall be collected and analyzed for PCBs during storm events where water is released over the weir.

C. Final Report

After the clean-up and decontamination project is completed, the Facility shall submit a final report to EPA Region 6 detailing the final actions taken to remediate the PCB-contaminated concrete surfaces. The report shall contain copies of PCB verification analysis of the contaminated surfaces and a color coded map indicating the final PCB concentrations at the contaminated grid points. The report shall be submitted within 90 days of completion of the project.

III. STANDARD APPROVAL CONDITIONS

A. Severability

The conditions of this authorization are severable, and if any provision of this authorization, or any application of any provision, is held invalid, the remainder of this authorization shall not be affected thereby.

B. Duty to Comply

The Facility shall comply with all Federal, State, and local regulations, approvals, and permits.

C. Personnel Safety

Facility personnel safety requirements and procedures for PCB handling, storage, transport, and disposal shall comply with OSHA requirements.

D. Duty to Mitigate

The Facility shall correct any adverse impact on the environment resulting from noncompliance with this approval.

E. Duty to Provide Information

The Facility shall provide any relevant information which EPA may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this approval, or to determine compliance with this approval. The Facility shall also provide, upon request, copies of records required to be kept pursuant to the TSCA PCB regulations.

F. Inspection and Entry

The Facility shall allow an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. enter the Facility during normal business hours,

2. have access to and copy any records that shall be kept under the TSCA PCB regulations,

3. inspect any equipment, practices, or operations required under this approval or the TSCA PCB regulations, or

4. sample or monitor for the purpose of assuring that the Facility is in compliance with the conditions of this approval or the TSCA PCB regulations.

G. Monitoring and Records

The Facility shall comply with all monitoring and record keeping requirements for PCB closure sites in accordance with Section 761.125(c)(5) (please refer to Section 761.61(a)(3), (a)(4), and (a)(5) for the kind of information needed for the records).

H. Effective Date

This approval becomes effective on the date of the approval letter. Clean-up and decontamination required under conditions of this approval shall be completed within 12 months of commencement of PCB remediation activities. The Facility may request an extension of the completion date from the EPA Region 6 if more time is required to complete the project. The Facility shall notify the EPA Region 6 in writing thirty (30) days before commencing remediation activities.

END OF APPROVAL CONDITIONS